

EXPRESS MAIL NO. TB725162086US

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ATTORNEY'S DOCKET NO: C0923/7001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In Re Reissue of U.S. Patent No. 4,780,179

For: METHOD FOR PRODUCING PULP FROM
PRINTED UNSELECTED WASTE PAPER

Serial No: 08/054,951

Applicant: Jean-Marie Clément

Filed: April 27, 1993

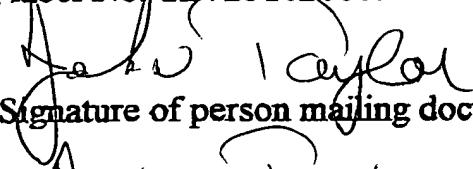
Examiner: K. Hastings

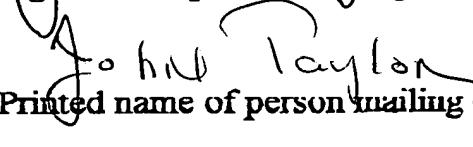
Art Unit: 1303

SOLICITOR
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U.S. PATENT & TRADEMARK OFFICE

EXPRESS MAIL CERTIFICATE UNDER 37 CFR §1.10

The undersigned hereby certifies that this document is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the 6th day of November, 1996 and is addressed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Express Mail mailing label No. TB725162086.


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Box 8, Attention The Solicitor
Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

DECLARATION OF JEAN-MARIE CLEMENT

I, Jean-Marie Clément declare as follows:

1. I am the sole-named inventor and I am the sole owner of the above-identified Reissue application of U.S. Patent No. 4,780,179.

2. On November 30, 1994, a Notice of Appeal from the decision of a Final Rejection of the Examiner dated June 1, 1994, was filed in the above-identified Reissue application. Appellant's Brief on Appeal was filed April 3, 1995, and the Examiner's Answer was filed May 12, 1995.

3. On January 20, 1995 an Application to Withdraw Power of Attorney was filed by my attorneys in the United States Patent and Trademark Office ("USPTO") in the above-identified Reissue application. Since that date, I have had no U.S. attorney representing me in this matter. All correspondence with the USPTO had been mailed directly to me in Milan, Italy.

4. The Decision of the Board of Patent Appeals and Interferences affirming the rejection of all claims ("the Decision") was stamped as having been mailed on June 26, 1996 (Exhibit A).

5. The Decision did not reach my office until August 8, 1996. Apparently, this delay was due to the USPTO placing inadequate postage on the envelope (Exhibit B) containing the Decision. The envelope has "Return to Sender . . . for \$1.99 additional postage" stamped on it. Consequently, the Decision took one month and 12 days to reach my office.

6. I was away from my office from August 2, 1996 to August 26, 1996 on vacation and business. My office was closed during this period. On August 26, 1996 I returned to my office and first became aware of the Decision, two months after the June 26, 1996 mailing date.

7. I was unrepresented by U.S. counsel in this matter until recently and I am unfamiliar with United States patent law and practice before the USPTO. Therefore, I was not aware of the two month deadline for filing a notice of appeal to the United States Court of Appeals for the Federal Circuit. Due to the relatively recent date the Decision was received (August 8), I believed I had time left in which I could review the Decision and decide whether I would file an appeal. I had no idea that the time period for filing an appeal of the Decision expired the same day I became aware of the Decision. The Decision contained no mention of the deadline for filing a notice of appeal.

8. On September 17, 1996 I sent an airmail letter to new counsel in the United States, Lawrence M. Green, Esq. of Wolf, Greenfield & Sacks, to inquire as to whether I could appeal the Decision. On September 25, 1996, I received notification, dated September 12, 1996, that my reissue application has gone abandoned (Exhibit C). I was quite surprised by this notice. Upon information and belief, Mr. Green's

office received my September 17 letter on September 27, 1996. Mr. Green subsequently contacted me and informed me of the time period for filing an appeal to the United States Court of Appeals for the Federal Circuit.

All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true; and further, the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statements may jeopardize the validity of U.S. Patent No. 4,780,179 and any Reissue patent issued therefrom.

Date: October 30th, 1996

Jean-Marie Clément

Jean-Marie Clément